

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE RUTTER'S INC. DATA SECURITY
BREACH LITIGATION

Case No. 1:20-cv-00382-JEJ

Class Action

Jury Trial Demanded

**DEFENDANT'S MOTION TO DISMISS CONSOLIDATED AMENDED
CLASS ACTION COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendant C H R Corp., d/b/a Rutter's respectfully moves the Court to dismiss Plaintiffs' Consolidated Amended Class Action Complaint. Two Plaintiffs have not alleged an injury sufficient to support Article III standing. All Plaintiffs have failed to state a claim on which relief can be granted, and thus the Complaint should be dismissed in its entirety. The accompanying brief sets forth the bases for this motion.

Dated: June 26, 2020

Respectfully submitted,

/s/ Paul G. Karlsgodt

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 26, 2020, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Meghan Rohling Kelly
Meghan Rohling Kelly